

## § 49.35

### § 49.33 Eligibility for recording: general requirements.

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(d) It affects aircraft registered under 49 U.S.C. 44101–44104; and

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### § 49.35 Eligibility for recording: ownership requirements.

If the seller of an aircraft is not shown on the records of the FAA as the owner of the aircraft, a conveyance, including a contract of conditional sale, submitted for recording under this subpart must be accompanied by bills of sale or similar documents showing consecutive transfers from the last registered owner, through each intervening owner, to the seller.

### § 49.37 Claims for salvage or extraordinary expenses.

The right to a charge arising out of a claim for compensation for salvage of an aircraft or for extraordinary expenses indispensable for preserving the aircraft in operations terminated in a foreign country that is a party to the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) may be noted on the FAA record by filing notice thereof with the FAA Aircraft Registry within three months after the date of termination of the salvage or preservation operations.

## Subpart D—Encumbrances Against Specifically Identified Aircraft Engines and Propellers

### § 49.41 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) Any lease, a notice of tax lien or other lien (except a notice of Federal tax lien referred to in § 49.17(a)), and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which affects title to, or any interest in, any specifically identified aircraft engine of 750 or more rated takeoff horsepower, or the equivalent of that horsepower, or a specifically identified aircraft propeller capable of

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absorbing 750 or more rated takeoff shaft horsepower.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

[Doc. No. 1996, 29 FR 6486, May 19, 1964, as amended by Amdt. 49–5, 35 FR 802, Jan 21, 1970]

EFFECTIVE DATE NOTE: At 70 FR 246, Jan. 3, 2005, § 49.41(a) was revised, effective concurrent with the date the Cape Town Treaty enters into force with respect to the United States. For the convenience of the user, the revised text is set forth as follows:

### § 49.41 Applicability.

\* \* \* \* \*

(a) Any lease, a notice of tax lien or other lien (except a notice of Federal tax lien referred to in § 49.17(a)), and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which affects title to, or any interest in, any specifically identified aircraft engine of 550 or more rated takeoff horsepower, or the equivalent of that horsepower, or a specifically identified aircraft propeller capable of absorbing 750 or more rated takeoff shaft horsepower.

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### § 49.43 Eligibility for recording: general requirements.

A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(a) It affects and describes an aircraft engine or propeller to which this subpart applies, specifically identified by make, model, horsepower, and manufacturer's serial number; and

(b) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a conveyance named in § 49.41(c).

### § 49.45 Recording of releases, cancellations, discharges, and satisfactions: special requirements.

(a) A release, cancellation, discharge, or satisfaction of an encumbrance created by an instrument recorded under

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this subpart must be in a form equivalent to AC Form 8050-41 and contain a description of the encumbrance, the recording information furnished to the holder at the time of recording, and the collateral released.

(b) If more than one engine or propeller, or both, are listed in an instrument, recorded under this subpart, that created an encumbrance thereon and all of them are released, they need not be listed by serial number, but the release, cancellation, discharge, or satisfaction must state that all of the encumbered engines or propellers are released. The original recorded document must be clearly identified by the names of the parties, the date of FAA recording, and the document date.

[Doc. No. 1996, 29 FR 6486, May 19, 1964, as amended by Amdt. 49-7, 37 FR 25487, Dec. 1, 1972]

### Subpart E—Encumbrances Against Air Carrier Aircraft Engines, Propellers, Appliances, and Spare Parts

#### § 49.51 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) Any lease, a notice of tax lien or other lien (except a notice of Federal tax lien referred to in § 49.17(a), and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which affects title to, or any interest in, any aircraft engine, propeller, or appliance maintained by or on behalf of an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b)) for installation or use in aircraft, aircraft engines, or propellers, or any spare parts, maintained at a designated location or locations by or on behalf of such an air carrier.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

[Doc. No. 1996, 29 FR 6486, May 19, 1964, as amended by Amdt. 49-5, 35 FR 802, Jan. 21, 1970]

EFFECTIVE DATE NOTE: At 70 FR 246, Jan. 3, 2005, § 49.51(a) was revised, effective concur-

rent with the date the Cape Town Treaty enters into force with respect to the United States. For the convenience of the user, the revised text is set forth as follows:

#### § 49.51 Applicability.

\* \* \* \* \*

(a) Any lease, a notice of tax lien or other lien (except a notice of Federal tax lien referred to in § 49.17 (a), and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which affects title to, or any interest in, any aircraft engine, propeller, or appliance maintained by or on behalf of an air carrier certificated under 49 U.S.C. 44705 for installation or use in aircraft, aircraft engines, or propellers, or any spare parts, maintained at a designated location or locations by or on behalf of such an air carrier.

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#### § 49.53 Eligibility for recording: general requirements.

(a) A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(1) It affects any aircraft engine, propeller, appliance, or spare part, maintained by or on behalf of an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b));

(2) It contains or is accompanied by a statement by the air carrier certificated under that section;

(3) It specifically describes the location or locations of each aircraft engine, propeller, appliance, or spare part covered by it; and

(4) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a conveyance named in § 49.51(c).

(b) The conveyance need only describe generally, by type, the engines, propellers, appliances, or spare parts covered by it.

[Doc. No. 1996, 29 FR 6486, May 19, 1964, as amended by Amdt. 49-5, 35 FR 802, Jan. 21, 1970]

EFFECTIVE DATE NOTE: At 70 FR 246, Jan. 3, 2005, § 49.53(a)(1) was revised, effective concurrent with the date the Cape Town Treaty enters into force with respect to the United States. For the convenience of the user, the revised text is set forth as follows: